

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAWN ELLIS,

Defendant.

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Case No. 1:13-cr-085

JUDGE BARRETT

MOTION FOR PRELIMINARY ORDER OF FORFEITURE

The United States, by its undersigned counsel, hereby moves this Court, pursuant to Fed. R. Crim. P. 32.2(b), for the issuance of a Preliminary Order of Forfeiture. This motion is supported by the record in this case and the following memorandum.

Memorandum

On August 7, 2013, the Grand Jury for the Southern District of Ohio returned a two-count Indictment against defendant Shawn Ellis. Count 1 charged the defendant with coercion and enticement of a minor in violation of 18 U.S.C. § 2422(b), and Count 2 charged the defendant with transportation of individuals to engage in prostitution in violation of 18 U.S.C. § 2421 (Doc. 14).

The forfeiture allegation in the Indictment contained notice to the defendant that the United States sought forfeiture of certain property pursuant to 18 U.S.C. § 2428 as part of any sentence. The United States has identified the following property (the “subject property”) for forfeiture:

- a. Black HTC Sprint cell phone;

- b. Alcatel cell phone;
- c. Kingston Micro SD adaptor;
- d. Intel hard drive, Serial Number P45N8144;
- e. HP laptop, Serial Number 00196-296-631-419;
- f. Hi Point Model 9mm, Serial Number P1277969 with magazine;
- g. LG Black cell phone, Serial Number 011KPKN048309; and
- h. All pornographic material, whether depicting adults or minors or both, all photographs which depict minors, other than photographs of clothed minor members of the defendant's family.

On October 9, 2013, defendant Shawn Ellis entered into a Plea Agreement (Doc. 31) with the United States in which the defendant agreed to plead guilty to Count 1 of the Indictment and to forfeit the subject property to the United States. The defendant entered a plea of guilty to Count 1 of the Indictment on November 12, 2013 (Doc. 34).

Based upon the evidence set forth in the record, the United States asserts that it has established the requisite nexus between the subject property and the offense to which the defendant has pled guilty. Accordingly, the property is subject to forfeiture to the United States pursuant to 18 U.S.C. § 2428.

WHEREFORE, the United States respectfully requests that this Court enter a Preliminary Order of Forfeiture, forfeiting the subject property to the United States.

Respectfully submitted,

CARTER M. STEWART
United States Attorney

s/Christy L. Muncy

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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2014, a copy of the foregoing Motion for Preliminary Order of Forfeiture was filed with the Clerk of Court's CM/ECF Filing System which provides notice to all parties to this action.

s/Christy L. Muncy

CHRISTY L. MUNCY (KY 88236)
Assistant United States Attorney